

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED

DEC 5 2005

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

UNITED STATES OF AMERICA)

v.)

JULIO RODRIGUEZ CHAVEZ)

NO. EP-05-CR-2300-PRM

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE
UPON DEFENDANT'S PLEA OF GUILTY

On November 30, 2005, the Defendant and counsel appeared before the Court. After being admonished as required by Rule 11, Fed. R. Crim. P., the Defendant pled guilty to Count One of the indictment charging Defendant with IMPORTATION OF A CONTROLLED SUBSTANCE, to wit: Marijuana, in violation of Title 21 U.S.C. §§ 952, 960(a)(1), 960(b)(4).

Accordingly, the Court makes the following findings:


1. The Defendant has consented to the entry of a guilty plea before a Magistrate Judge, subject to final approval and sentencing by the presiding United States District Judge.
2. The Defendant fully understands the oath and the consequences of failing to tell the truth at the plea hearing.
3. The Defendant fully understands that nature of the charge and the penalties, including the effect of a supervised release term.
4. The Defendant fully understands that the Sentencing Guidelines will be considered by the District Court, but are advisory only.
5. The Defendant fully understands the right to plead "Not Guilty" and to be tried by a jury.
6. The Defendant fully understands that at trial, Defendant would have the right to confront or cross-examine adverse witnesses, and to remain silent.

7. The Defendant fully understands that if the guilty plea is accepted, there will not be a trial in the case.
8. The Defendant fully understands that in the plea agreement, Defendant waived the right to appeal or collaterally attack the sentence to be imposed by the District Judge.
9. The Defendant's plea was made freely, knowingly, and voluntarily.
10. The Defendant is competent to enter a plea.
11. There is a factual basis to support the plea of guilty.

RECOMMENDATION

Based on the foregoing, it is recommended to the District Judge that the Defendant's plea of guilty be accepted and that a judgment of guilt be entered.

SIGNED and ENTERED on December 1, 2005.



NORBERT J. GARNEY
United States Magistrate Judge

NOTICE

FAILURE TO FILE WRITTEN OBJECTIONS TO THE FINDING AND RECOMMENDATIONS CONTAINED IN THE FOREGOING REPORT, WITHIN TEN DAYS OF RECEIPT OF SAME, MAY BAR DE NOVO DETERMINATION BY THE DISTRICT JUDGE OF AN ISSUE COVERED HEREIN AND SHALL BAR APPELLATE REVIEW OF SUCH FACTUAL FINDINGS AS MAY BE ACCEPTED OR ADOPTED BY THE DISTRICT JUDGE.